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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,761	03/31/2005	Roland Griese	SPM-386-A	3410

7590 06/13/2006
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EXAMINER

BEAUCHAINE, MARK J

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/524,761	GRIESE ET AL.	
	Examiner	Art Unit	
	Mark J. Beauchaine	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the terms "offset laterally" (line 12) and "as observed in cross-section" (line 13) are ambiguous since they are not related to adequately described reference points.

Claims 2 and 5 recite the limitations "light transmitter" (claim 2, line 4) and "reflection coupler" (claim 5, lines 2 and 3). There are insufficient antecedent bases for these limitations in the claims.

Regarding claim 3, the term "in a fixed association" (line 4) referring to the switching arm is ambiguous since it is unclear what the switching arm is associated with.

Regarding claim 7, the term "outwith" (line 2) is ambiguous.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 4,298,116 by Niemeyer (hereinafter "Niemeyer") in view of Patent Number 5,777,302 by Nakagawa et al (hereinafter "Nakagawa"). The coin apparatus disclosed by Niemeyer incorporates coin validation means 12, optical limit switch 30 switch member 20 and chute 17 that read on the Applicant's validating device, switching device, pendulum and coin insertion funnel, respectively. Niemeyer further discloses ribs 25 and 23 that read on the Applicant's first and second toothing, respectively. Said ribs 23 are rotatable about an arc-shape with switch member 20 and are engage ribs 25 from below.

Switch member 20 incorporates cam 21 that is opposite the angled face of chute 17 (see Figures 1-3) and makes up part of the coin insertion chute. Although Niemeyer fails to disclose the switch member 20 as being detachable from the apparatus housing the use of such removable coin chute components is well known in the art. Nakagawa teaches a coin chute that incorporates a detachable rear plate member 4 that makes up

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a portion of the chute 1 and is evidence of detachable coin chute components. As evidenced by Nakagawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate detachable chute components into the coin apparatus of Niemeyer to provide an effective means of replacing worn chute components.

Regarding claim 2, the switch arm 27, LED 24 and phototransistor 35 of Niemeyer read on the Applicant's switch arm, light transmitter and receiver, respectively.

Regarding claims 3 and 5, although the optical limit switch 30 of Niemeyer is a direct-light path switch the use of reflective optical sensors that incorporate printed circuit boards is well known in the art. The incorporation of such a reflection-type switch and circuit board into the apparatus of Niemeyer would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an effective optical sensing means.

Regarding claim 6, the cam 21 of Niemeyer reads on the Applicant's receiving projections. Although said cam is a single flat surface the use of a plurality of projections disposed on the surface of the cam is an obvious design configuration. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such projections onto the surface of cam 21 to reduce friction between said cam and an inserted coin.

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Regarding claim 9, since coin handling apparatus are typically constructed to tight tolerances the coin chute 17 of Niemeyer is considered to be in form-fitting connection to the apparatus housing.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent Number 5,813,509 by Boxall et al because of its front wall 64.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571)272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb



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